

**PATENT COOPERATION TREATY**

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

**PCT**

*TRANSLATION*

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

(PCT Rule 43bis.1)

		Date of mailing (day/month/year)
Applicant's or agent's file reference <b>YCT-1025</b>		<b>FOR FURTHER ACTION</b> See paragraph 2 below
International application No. <b>PCT/JP2005/005695</b>	International filing date (day/month/year) <b>28.03.2005</b>	Priority date (day/month/year) <b>31.03.2004</b>
International Patent Classification (IPC) or both national classification and IPC		
Applicant <b>SUNTORY LIMITED</b>		

**1. This opinion contains indications relating to the following items:**

- |                                     |              |  |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I    | Basis of the opinion   |
| <input type="checkbox"/>            | Box No. II   | Priority   |
| <input type="checkbox"/>            | Box No. III  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability   |
| <input checked="" type="checkbox"/> | Box No. IV   | Lack of unity of invention   |
| <input checked="" type="checkbox"/> | Box No. V    | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/>            | Box No. VI   | Certain documents cited  |
| <input type="checkbox"/>            | Box No. VII  | Certain defects in the international application   |
| <input type="checkbox"/>            | Box No. VIII | Certain observations on the international application  |

**2. FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

**3. For further details, see notes to Form PCT/ISA/220.**

Name and mailing address of the ISA/JP	Authorized officer
Facsimile No.	Telephone No.

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.  
PCT/JP2005/005695

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.  
 This opinion has been established on the basis of a translation from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material
    - a sequence listing
    - table(s) related to the sequence listing
  - b. format of material
    - in written format
    - in computer readable form
  - c. time of filing/furnishing
    - contained in the international application as filed.
    - filed together with the international application in computer readable form.
    - furnished subsequently to this Authority for the purposes of search.
3.  In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.  
PCT/JP2005/005695

Box No. IV Lack of unity of invention

1.  In response to the invitation (Form PCT/ISA/206) to pay additional fees the applicant has:  
 paid additional fees  
 paid additional fees under protest  
 not paid additional fees
2.  This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is:  
 complied with  
 not complied with for the following reasons:

Claims 1, 8, 10 and 14 and the parts depending on claim 1 in the inventions of claims 3-7 and 12 (invention group 1) relate to a process for producing the compound represented by the formula (1), while claims 2, 9, 11 and 14 and the parts depending on claim 2 in the inventions of claims 3 to 7 and 12 (invention group 2) relate to a process for producing the compound represented by the formula (4). As reported by the following document, these compounds are both publicly known and have no novel skeleton in common.

Such being the case, it does not appear that the invention groups 1 and 2 have a special technical feature in common and these invention groups are not considered as being so linked as to form a single general inventive concept.

Document  
JP 2004-35474 A (Suntory Ltd.)

4. Consequently, this opinion has been established in respect of the following parts of the international application:  
 all parts  
 the parts relating to claims Nos. 1, 3-8, 10, 12, 13

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/JP2005/005695

Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
<b>1. Statement</b>			
Novelty (N)	Claims	<u>1, 3-8, 10, 12, 13</u>	YES
	Claims	_____	NO
Inventive step (IS)	Claims	<u>1, 3-8, 10, 12, 13</u>	YES
	Claims	_____	NO
Industrial applicability (IA)	Claims	<u>1, 3-8, 10, 12, 13</u>	YES
	Claims	_____	NO
<b>2. Citations and explanations:</b>			
<p><b>Document 1:</b> JP 2004-35474 A (Suntory Ltd.) 05 February 2004</p> <p>The invention of claim 1 appears to involve an inventive step over document 1 cited in the ISR. Although document 1 describes flavone C glycoside derivative represented by the formula (I), a method for synthesizing the compound using isovitexine as a raw material is not described; nor is this point obvious to a person skilled in the art.</p>			

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International Patent Classification (IPC) or both national classification and IPC		
Applicant <b>SUNTORY LIMITED</b>		

**1. This opinion contains indications relating to the following items:**

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

**2. FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

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2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material
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3.  In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.	PCT/JP2005/005695
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<b>Box No. IV      Lack of unity of invention</b>	
<p>1. <input checked="" type="checkbox"/> In response to the invitation (Form PCT/ISA/206) to pay additional fees the applicant has:</p> <p><input type="checkbox"/> paid additional fees</p> <p><input type="checkbox"/> paid additional fees under protest</p> <p><input checked="" type="checkbox"/> not paid additional fees</p> <p>2. <input type="checkbox"/> This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.</p> <p>3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is</p> <p><input type="checkbox"/> complied with</p> <p><input checked="" type="checkbox"/> not complied with for the following reasons:</p> <p style="margin-left: 20px;">Claims 1, 8, 10 and 14 and the parts depending on claim 1 in the inventions of claims 3-7 and 12 (invention group 1) relate to a process for producing the compound represented by the formula (1), while claims 2, 9, 11 and 14 and the parts depending on claim 2 in the inventions of claims 3 to 7 and 12 (invention group 2) relate to a process for producing the compound represented by the formula (4). As reported by the following document, these compounds are both publicly known and have no novel skeleton in common.  Such being the case, it does not appear that the invention groups 1 and 2 have a special technical feature in common and these invention groups are not considered as being so linked as to form a single general inventive concept.</p> <p>Document  JP 2004-35474 A (Suntory Ltd.)</p>	
<p>4. Consequently, this opinion has been established in respect of the following parts of the international application:</p> <p><input type="checkbox"/> all parts</p> <p><input checked="" type="checkbox"/> the parts relating to claims Nos. <u>1, 3-8, 10, 12, 13</u></p>	

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INTERNATIONAL SEARCHING AUTHORITY**

International application No.	PCT/JP2005/005695
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Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
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**1. Statement**

Novelty (N)	Claims	<u>1, 3-8, 10, 12, 13</u>	YES
	Claims	_____	NO
Inventive step (IS)	Claims	<u>1, 3-8, 10, 12, 13</u>	YES
	Claims	_____	NO
Industrial applicability (IA)	Claims	<u>1, 3-8, 10, 12, 13</u>	YES
	Claims	_____	NO

**2. Citations and explanations:**

Document 1: JP 2004-35474 A (Suntory Ltd.)  
05 February 2004

The invention of claim 1 appears to involve an inventive step over document 1 cited in the ISR. Although document 1 describes flavone C glycoside derivative represented by the formula (I), a method for synthesizing the compound using isovitexine as a raw material is not described; nor is this point obvious to a person skilled in the art.